

	)	
<b>OLE K. NILSSEN and GEO FOUNDATION, LTD.,</b>	)	
	)	<b>Civil Action No. 3:04-0080</b>
<b>Plaintiffs,</b>	)	
	)	<b>JUDGE WISEMAN</b>
<b>vs.</b>	)	
	)	<b>MAGISTRATE JUDGE BROWN</b>
<b>UNIVERSAL LIGHTING TECHNOLOGIES, INC.</b>	)	
	)	
<b>Defendant.</b>	)	

Plaintiffs Ole K. Nilssen and Geo Foundation, Ltd. (collectively, “Nilssen”) and Defendant Universal Lightning Technologies, Inc. (“Universal”) have reached an agreement as to the disposition of this case, and have agreed to the entry of this Consent Judgment.

1. The Court has jurisdiction over the parties and the subject matter of this action.
2. Universal's Supplemental Motion for Summary Judgment (D.E. 177) that U.S. Patent Nos. 5,416,386 ("the '386 patent"), 5,432,409 ("the '409 patent") and 5,481,160 ("the '160 patent") (representing three of the four patents that remain in dispute in this action) are unenforceable is hereby GRANTED on the collateral estoppel grounds stated in the motion, in view of the preclusive effect of the decision by the United States Court of Appeals for the Federal Circuit in *Nilssen et al. v. Osram Sylvania et al.*, Appeal No. 2006-1550 ("*Osram* Appeal"), which decision affirmed the judgment by the United States District Court for the Northern District of Illinois that each of the '386, '409 and '160 patents are unenforceable. 504 F.3d 1223, 1235-36 (Fed. Cir. 2007).

3. Universal withdraws its Motion for Summary Judgment (D.E. 177) to the extent it seeks summary judgment that U.S. Patent No. 5,341,067 (“the ‘067 patent”) (the fourth of the four patents remaining in dispute in this action) is unenforceable on the grounds stated therein. The Parties agree that summary judgment that the ‘067 patent is unenforceable should in this case be granted, and it is hereby GRANTED on collateral estoppel grounds, in view of the preclusive effect of the March 17, 2008 decision by the United States District Court for the Northern District of Illinois in *Nilssen et al. v. Wal-Mart Stores, Inc. et al.* (case no. 04-C-5363), which granted a motion for summary judgment that the ‘067 patent is unenforceable in view of the collateral estoppel effect of the unenforceability findings and conclusions made with respect to the ‘067 patent in the above-referenced *Nilssen v. Osram* litigation.

4. Entry of this Consent Judgment does not dispose of and is without prejudice to Universal’s rights to (a) seek taxation of costs under 28 U.S.C. §1920 and (b) bring a motion for attorneys’ fees pursuant to 35 U.S.C. § 285, such rights being specifically reserved by Universal as the prevailing party.

5. Entry of this Consent Judgment is without prejudice to Nilssen’s right to bring a motion pursuant to Rule 60(b)(5), Fed.R.Civ.P., in the event that any unenforceability determination for the ‘386, ‘409, ‘160 or ‘067 patents in the *Nilssen v. Osram* litigation is vacated or reversed, or if the unenforceability determination for the ‘067 patent in the *Nilssen v. Wal-Mart* litigation is vacated or reversed.

Judgment is hereby ENTERED for Defendant and against Plaintiffs this 18th day of  
APRIL, 2008.

  
UNITED STATES DISTRICT JUDGE

AGREED:

By: /s/ Thomas H. Dundon  
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